

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FABIAN ALEXANDER COOK	:	
Plaintiff	:	
	:	No. 1:21-cv-361
v.	:	
	:	(Judge Rambo)
SAM CONDO, <i>et al.</i>	:	
Defendants	:	

ORDER

AND NOW, on this 30th day of November 2021, for the reasons set forth in the accompanying memorandum, **IT IS ORDERED THAT:**

1. Defendants’ motion to dismiss (Doc. No. 16) is **GRANTED**;
2. Plaintiff’s retaliation, due process, intentional infliction of emotional distress, access to courts, and deliberate indifference claims are **DISMISSED WITHOUT PREJUDICE**;
3. Plaintiff’s claim under 42 Pa.C.S. § 6505 is **DISMISSED WITH PREJUDICE**;
4. Plaintiff’s equal protection claim shall not be dismissed;
5. Plaintiff may file an amended complaint within thirty days of the date of this order to cure the deficiencies identified in the court’s memorandum opinion. Any amended complaint filed pursuant to this order shall be filed to the same docket number as the instant action, shall be entitled “Amended Complaint,” and shall be complete in all respects. It shall be a new pleading

that stands by itself as an adequate complaint under the Federal Rules of Civil Procedure;

6. If plaintiff does not file an amended complaint by the above deadline, the original complaint shall remain the operative pleading and the case shall proceed as to Cook's equal protection claim only; and
7. Defendants' motion to stay discovery (Doc. No. 21) and Plaintiff's motion for a speedy hearing (Doc. No. 29) are **DENIED AS MOOT**.

s/ Sylvia H. Rambo
United States District Judge